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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

UNITED FARM WORKERS, *et al.*,

Plaintiffs,

v.

THOMAS J. VILSACK,¹ in his official
capacity as the Secretary of the United States
Department of Agriculture, *et al.*,

Defendants.

Case No. 1:20-CV-01452-DAD-JLT

**STIPULATION AND PROPOSED ORDER TO
EXTEND DEADLINES**

(Doc. 59)

¹ Pursuant to Fed. R. Civ. P. 25(d), Secretary Thomas J. Vilsack has been automatically substituted for former Acting Secretary Kevin Shea.

IT IS HEREBY STIPULATED, by and between the parties and subject to the Court's approval, that the deadline to respond to Plaintiffs' Complaint, ECF 1, shall be extended by thirty (30) days from March 1, 2021 to March 31, 2021, and that the scheduling conference currently scheduled for March 17, 2021 be removed from the calendar. The reasons for this Stipulation are as follows:

1. On October 13, 2020, Plaintiffs filed their Complaint. ECF 1.

2. Plaintiffs timely served the United States Attorney's Office in the Eastern District of California in Fresno, California with, *inter alia*, the Complaint and civil summons via registered mail on October 19, 2020. ECF 29 at 1, 29-2 at 10.

3. Pursuant to Federal Rule of Civil Procedure 12(a)(2) and in the absence of an extension, Defendants "must serve an answer to a complaint . . . within 60 days after service on the United States attorney." The initial deadline for responding to Plaintiffs' Complaint was therefore December 18, 2020.

4. On December 17, 2020, pursuant to Local Rule 144(a), the parties filed a stipulation for a 28-day extension. ECF 45. On January 14, 2021, the Court granted the parties' stipulation for an additional 45-day extension. ECF 55. The current deadline for Defendants to respond to Plaintiffs' complaint is therefore March 1, 2021.

5. On February 11, 2021, USDA's National Agricultural Statistics Service published the FLR that had previously been scheduled for November 2020. *See* NASS, Farm Labor Report, February 11, 2021, <https://downloads.usda.library.cornell.edu/usda-esmis/files/x920fw89s/f7624565c/2v23wn12m/fmla0221.pdf>. NASS has also indicated that it intends to perform the next FLS as scheduled in April 2021 and release the next FLR on May 26, 2021. *See* NASS, *Publications – Reports by Date (May 2021)*, https://www.nass.usda.gov/Publications/Calendar/reports_by_date.php?view=c&month=05&year=2021.

6. The parties therefore agree that this litigation is now moot. The parties request an additional thirty (30) days to prepare a stipulation of dismissal.

7. The parties further agree that the scheduling conference currently set for March 17, 2021 be removed from the calendar. The parties do not anticipate discovery or trial in this matter.

The Parties therefore stipulate, subject to the Court's approval, that the deadline to respond to Plaintiffs' Complaint, ECF 1, shall be extended from March 1, 2021 to March 31, 2021, and that the scheduling conference currently scheduled for March 17, 2021 be removed from the calendar.

1 Dated: February 26, 2021

MICHAEL D. GRANSTON
Deputy Assistant Attorney General
ERIC WOMACK
Assistant Branch Director

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4 By: /s/ Michael J. Gaffney
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Trial Attorney
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7 *Attorneys for Defendants*

8 Dated: February 26, 2021

By: /s/ Mark Selwyn (authorized 02/26/2021)
MARK SELWYN (SBN 244180)
Wilmer Cutler Pickering Hale and Dorr LLP

10 *Attorney for Plaintiffs*

11 **[PROPOSED] ORDER**

12 IT IS HEREBY ORDERED that the deadline to respond to Plaintiffs' Complaint, ECF 1, shall
13 be extended from March 1, 2021 to March 31, 2021 and that the Scheduling Conference currently
14 scheduled for March 17, 2021 shall be removed from the calendar.

15 The stipulated dismissal SHALL be filed no later than March 31, 2021.

16 IT IS SO ORDERED.

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18 Dated: February 26, 2021

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE